



ATTORNEY DOCKET NO. 15113.0005U1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Wright)	Group Art Unit: 1616
)	
Application Serial No.: 09/385,834)	Examiner: Sabiha Qazi
)	
Filing Date: August 30, 1999)	Confirmation No.: 9704
)	
For: A NUTRITIONAL SUPPLEMENT FOR)	
LOWERING SERUM TRIGLYCERIDE)	
AND CHOLESTEROL LEVELS)	

DECLARATION OF JEFFREY L.C. WRIGHT UNDER 37 C.F.R. § 1.131

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

Sir:

I, Jeffrey L.C. Wright, declare that:

1. I am an inventor named in the above-identified application and an inventor of the subject matter described and claimed therein.
2. Prior to (1) the filing date of U.S. Patent No. 6,147,236 to Higgins III (December 15, 1998) and (2) the priority date of Higgins III (August 25, 1998), I had conceived and reduced to practice the invention described and claimed in the subject application in Canada prior to August 25, 1998 and after December 7, 1993, as evidenced by the following:

I conceived and reduced the invention to practice in laboratories at Ocean Nutrition Canada LTD., as shown in Exhibit 1, attached.

Exhibit 1 is a notebook page that provides a detailed synthetic procedure for producing stigmaterol esters of DHA and EPA. The source of DHA and EPA is in the material identified

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as "EPAX" in the notebook page. EPAX is also used as the source of DHA and EPA in the Example at page 12 of the present specification. In the procedure enclosed in Exhibit 1, EPAX (135.8 mg) and stigmasterol (108.8 mg) were stirred and placed in a heating element for two hours at 115-119°C. To this mixture, approximately 1 mg of sodium ethoxide (base catalysts) was added. After one hour, another 10 mg of sodium ethoxide was added.

3. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent issuing therefrom.

28th March 2005

DATE


JEFFREY L.C. WRIGHT

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XPT. 4-2

Just as a backup to check the method being used for the other page.

A clear glass vial, wrapped in Aluminium foil + purged with N_2 . To this was added EPAX (135.8 mg) and stigmasterol (108.8 mg). A stirring bar was added and the vial was placed on the heating element for 2 hours at $115^\circ C - 119^\circ C$. To make things slightly different, to this mixture was added ~1 mg of $NaOCH_2CH_3$. After one hour, another 10 mg of Sodium Ethoxide was added.

Spots were placed on a TLC plate (below) in the order: EPAX; EPAX + RXN mixture; reaction mixture; reaction mixture + stigmasterol; stigmasterol.

The solutions could stand to be a little more concentrated, perhaps.

TLC solvents:

HEXANE 90

Et₂O 10

Acetic Acid 1

EPAX 4×10^{-4} mol

Stigmasterol 2.64×10^{-4} mol.

4.2:2

} 1.5:1

4-2-2 is

the same as

4-2, but

was baked

a little longer